



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Non Streamlined International Applications/Petitions Accepted For Filing

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 CFR § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission. Pursuant to Section 1.1910(b)(2) of the rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. Applicants should check the Red Light Display System's website at www.fcc.gov/redlight to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

On September 21, 2021, United Wireless Holdings Inc. (United Wireless or Petitioner) filed a letter notification pursuant to section 1.5004(f) of the Commissioner's rules, 47 CFR § 1.5004(f), that it is not in compliance with its existing foreign ownership ruling. See ISP-PDR-20080404-00010, International Authorizations Granted, Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests, Public Notice, 24 FCC Rcd 198 (IB 2009) (2008 Foreign Ownership Ruling). Concurrently, Petitioner filed a petition for a new declaratory ruling (Petition), pursuant to section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), and section 1.5000(a)(1) of the Commission's rules, asking the Commission to find that it would serve the public interest to approve foreign ownership in United Wireless, the controlling U.S. parent of SkyTel Spectrum, LLC (Skytel) and A2G Communications, LLC (A2G), above the 25% benchmarks in section 310(b)(4).

According to the Petition, United Holdings, a Delaware corporation, has a 100% equity and voting interest in Skytel, a Delaware limited liability company, which holds paging and narrowband personal communications services (NPCS) licenses. In addition, United Wireless and Stratophone, LLC (Stratophone), a U.S. limited liability company, each hold 50% equity and voting interests in A2G, a Delaware limited liability company, which holds Part 22 Air-Ground Radiotelephone Service (AGRAS) licenses. Stratophone is owned by two U.S. citizens - Albert Gencarella (90%) and Suzanne Gencarella (10%) - and thus has no foreign ownership. A2G has filed an application to assign the AGRAS licenses to AURA Network Systems OpCo, LLC (AURA). See ULS File No. 0009752785. In addition, Skytel has filed an application to assign a single NPSC license to AURA. See ULS File No. 0009738287. According to the Petition, AURA has no disclosable foreign ownership interests.

The 2008 Foreign Ownership Ruling specifically approved Andrew Fitton, a U.K. citizen, to hold a direct 100% equity and voting interest in United Wireless and an indirect 100% equity and voting interest in Skytel and United Spectrum Management Services LLC, another wholly owned subsidiary of United Wireless. The 2008 Foreign Ownership Ruling covers Skytel's paging and NPSC licenses.

According to the Petition, the ownership of United Wireless has changed since the 2008 Foreign Ownership Ruling. By 2014, Michael Carper, a U.S. citizen, had acquired 30% equity and voting interests in United Wireless, reducing Mr. Fitton's ownership to 70%. In 2016, Mr. Fitton transferred his 70% equity and voting interests in United Wireless to Fitton & Co. Ltd. (Fitton & Co.), a U.K. entity. Mr. Fitton holds 70.6% equity and voting interests in Fitton & Co. Rosalind Fitton, his wife, holds 8.6% equity and voting interests in Fitton & Co. and their children, Nina Fitton, Kit Fitton, William Fitton, and Ellen Fitton each hold 4.9% equity and voting interests. In addition, Clair Crabtree holds 1% equity and voting interests in Fitton & Co. All of the identified individuals are U.K. citizens.

In 2019 Skytel and Stratophone assigned their ARGAS licenses to A2G and United Wireless took 50% equity and voting interests in A2G. Petitioner now seeks a ruling that covers the AGRAS licenses, the ownership of Fitton & Co. and Rosalind Fitton, and the ownership in A2G.

Pursuant to section 1.5001(i) of the Commission's rules, Petitioner requests that the Commission specifically approve direct and indirect foreign equity and voting interests in United Wireless by foreign-organized entities and individuals as follows:

Fitton & Co., Ltd. (United Kingdom): 70% direct equity interest and 100% direct voting interest in United Wireless (70% indirect equity interest and 100% indirect voting interest in SkyTel; 35% indirect equity interest and 100% indirect voting interest in A2G).

Andrew Fitton (United Kingdom): 49.42% indirect equity interest and 100% voting interest in United Wireless through Fitton & Co., Ltd. (49.42% indirect equity interest and 100% indirect voting interest in SkyTel; 24.71% indirect equity interest and 100% indirect voting interest in A2G).

Rosalind Fitton (United Kingdom): 6.16% indirect equity and voting interest in United Wireless through Fitton & Co., Ltd. Petitioner asserts that the public interest would be served by granting the Petition.

Through this Public Notice, pursuant to Commission practice, the Petition for Declaratory Ruling is being referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Petitioners.

Action on this Petition for Declaratory Ruling is without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

Interested parties may file comments on or before November 12, 2021, and reply comments on or before November 19, 2021.

INFORMATIVE**ITC-214-20210707-00105**

Mobile X Global, Inc.

On October 25, 2021, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee is conducting an initial review on the application for an international section 214 authorization filed by Mobile X Global, Inc. to assess whether granting the application will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)). The Committee shall complete its review of the application before the end of the 120-day initial review period, unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001–.2003.